



TTAB

11-29-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Roadgear, Inc.,

Opposer,

v.

Shopko Stores, Inc.,

Applicant

Opposition No. 121,890

**AMENDMENT AND
CONSENT TO AMENDMENT**

BOX TTAB NO-FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: BOX TTAB - NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on this 26th day of November, 2001.


Attorney

The Opposer and the Applicant in the above opposition matter have agreed to resolve the necessity of continuing this opposition through an amendment to the identification of goods of Applicant's trademark Serial No. 75/822,384.

Please amend the identification of goods in the above application to restrict toy motorcycles from the presently existing statement. Specifically, the parties request that the goods in the application be identified as: "playthings, namely, die cast vehicles *excluding motorcycles*; die cast vehicle playsets *excluding motorcycles*; large toy vehicles, namely, cars, trucks, flight vehicles, boats, and recreational sports vehicles; battery operated toy vehicles *excluding motorcycles*; remote control toy vehicles *excluding motorcycles*; radio controlled toy vehicles *excluding motorcycles*; toy trains; and model race *car* sets." (New language indicated by italics).

REMARKS


Applicant, Shopko Stores, Inc. and Opposer, Roadgear, Inc., have reached a settlement regarding the opposition to registration of the ROAD GEAR mark whereby Opposer agrees to a dismissal of the foregoing opposition regarding the above-identified application if the identification

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of goods in Applicant's application is revised as set forth above. Since this identification of goods is more restrictive than the original identification of goods which was published in the Official Gazette of October 17, 2000, Applicant and Opposer, by their undersigned attorneys, hereby request that the foregoing Amendment be accepted.


SHOPKO, INC.

Dated 11/15/01

By 
Susan A. Buckna, Sr. Legal Counsel
700 Pilgrim Way
P.O. Box 19060
Green Bay, WI 54307-9060
Telephone: (920) 497-2211
Facsimile: (920) 429-7401

CONSENT TO AMENDMENT

Opposer hereby consents to the above amendment. Opposer further consents to ultimate dismissal of the above opposition (with prejudice), provided that the identification of goods is revised in Applicant's application as set forth above.

ROADGEAR, INC.

Dated _____

By _____
Joel D. Russman, Esq.
1999 Broadway, Suite 2305
Denver, Colorado 80202
Telephone: (303) 894-0242
Facsimile: (303) 296-7600

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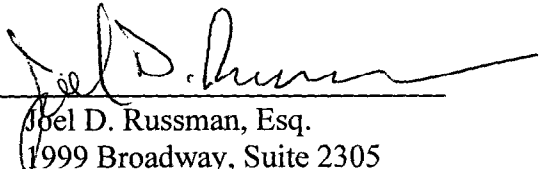
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